

FILE NO. 1-7-2100

DATE: May 23, 2002

CODE APPLICATION NOTICE

CODE SECTION: Title 24, Part 1, Article 21 (Plan Review, Building Inspection and Certification of Surgical Clinics, Chronic Dialysis Clinics and Outpatient Services Clinics), OSHPD 3 amendments and other applicable provisions in the California Building Code (including Chapter 422A), California Mechanical Code (including Tables 4-A and 4-B), California Plumbing Code, California Electrical Code and California Fire Code. (Copies of Title 24, Part 1 and OSHPD 3 requirements are available from the Office upon request.)

INTERPRETATION:

OSHPD 3 requirements for clinics shall only be applied to outpatient facilities or clinics that are licensed pursuant to Health and Safety Code (H&S) Section 1200 (which includes primary care clinics and specialty clinics) or 1250 (which includes primary care clinics, specialty clinics and clinics licensed as an outpatient service of a licensed hospital). Where the term “clinic” or “outpatient facility” is used relative to OSHPD 3 requirements in the California codes, it shall mean a clinic or outpatient facility licensed pursuant to H&S 1200 or 1250.

The attached documents are intended to assist local jurisdictions and designers in applying the regulations, and determining which jurisdiction has authority over the plan review, certification and construction inspection of clinic facilities.

- **California Medical Clinic Guidelines, Plan Review, Approval, Inspection and Certification Flowchart.** Provides a relatively simple process to follow in determining the appropriate authority having jurisdiction and applicable regulations for various clinic facilities.
- **Flowchart Explanatory Notes.** Provides additional information to use in applying the flowchart.
- **Definition of Terms.** Defines common terms, acronyms and roles of agencies involved in the plan review, certification and inspection of clinic facilities.

REASON:

Some local jurisdictions and clinic owners and design professionals have expressed confusion regarding which clinics and outpatient facilities are subject to the OSHPD 3 requirements found in the California Building Standards Code. This results in a lack of consistency in application of the model code and OSHPD 3 requirements to clinic facilities, and uncertainty regarding the roles of the local building department and OSHPD in the plan review, certification and construction inspection processes.

This confusion exists in part because the code often uses the generic terms “outpatient facilities and clinics,” while the OSHPD 3 requirements found in the code apply only to those outpatient facilities and clinics that are licensed pursuant to Health and Safety Code Section 1200 or 1250. There are many variables in statute and regulations regarding the use and licensing of these clinic facilities, making consistent application of the regulations difficult and confusing.

Another source of confusion is that the applicability of certain requirements is determined by factors that are normally out of the scope of work of the building department and designer. Sources of financial reimbursement and the specific type of license a clinic owner desires to obtain determine what regulations apply and who has jurisdiction for the project.

ORIGINAL SIGNED

6/18/02

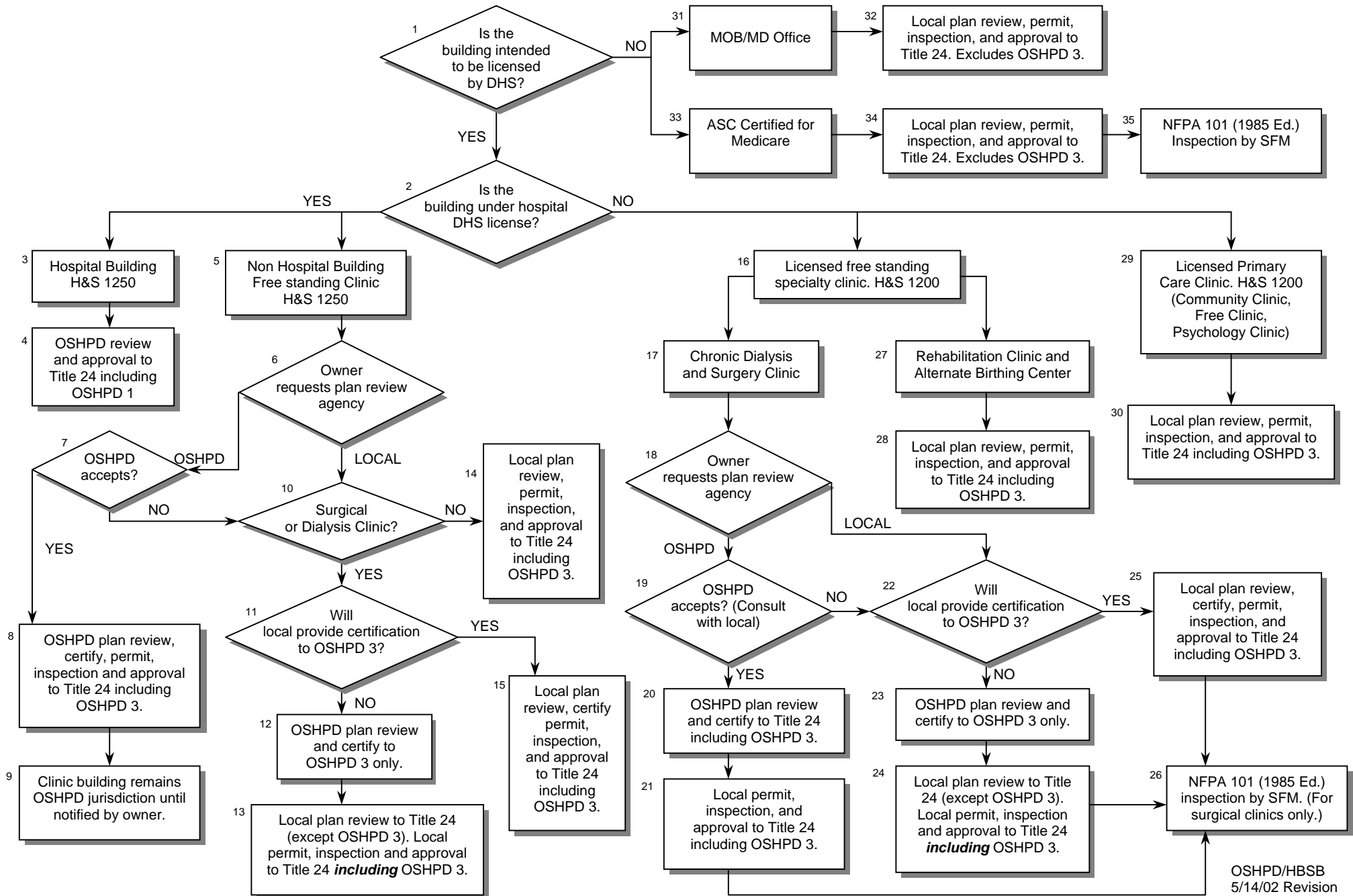
Kurt A. Schaefer

Date

California Medical Clinic Guidelines

Plan Review, Approval, Inspection and Certification

(Note: Unless otherwise noted, compliance to CCR Title 24 including OSHPD 3 is required.)



California Medical Clinic Guidelines

Plan Review, Approval, Inspection and Certification

Explanatory Notes (Keyed to numbers at upper left corners of boxes on flowchart.)

Citations are from the Health and Safety Code and Title 24, Part 1, Chapter 7.

- 1 If the clinic is not licensed by DHS, Licensing and Certification, compliance and certification to the requirements of OSHPD 3 are not required.
- 2 How a clinic is licensed will affect which sections of the regulations apply, how they are applied and by what agency (local building department or OSHPD).
- 3 “Hospital building” is defined in Health and Safety Code section 1250. These buildings are not subject to the local jurisdiction.
- 4 Hospital buildings are subject to OSHPD jurisdiction, and must comply with OSHPD 1 requirements in Title 24, CCR.
- 5 Free standing clinic buildings under the hospital license are normally subject to the local building department jurisdiction, although they are licensed under Health and Safety Code section 1250.
- 6 The owner or governing authority may submit directly to the local building department, or may request OSHPD to perform the plan review and certification for free standing hospital outpatient clinics.
- 7 When the owner or governing authority requests it, OSHPD has the option of accepting or not accepting plan review for clinic buildings.
- 8 If OSHPD accepts plan review and certification responsibilities for free standing hospital licensed outpatient clinics, then the entire project, including plan review and approval (to Title 24 including OSHPD 3 requirements), building permit and construction inspection is under OSHPD jurisdiction. The requirement for certification applies to surgical and dialysis clinics only.
- 9 Clinic buildings that have been reviewed by OSHPD will remain under the jurisdiction of the Office until the owner or governing authority notifies OSHPD otherwise in writing.
- 10 Certification to OSHPD 3 is required only for surgical and dialysis clinics.
- 11 If plans are submitted to the local building department, the local building department must notify the owner or governing authority if their review will include certification for OSHPD 3 conformance.
- 12 If the local building department will not provide certification to OSHPD 3 requirements, then plans shall be submitted to OSHPD for plan review and certification to OSHPD 3 requirements only. The local building department shall review the plans for compliance to Title 24 excluding OSHPD 3.
- 13 Concurrent with OSHPD’s review to OSHPD 3 requirements, the local building department reviews the plans for compliance to Title 24, CCR, except OSHPD 3. The local building department shall also issue the building permit and perform construction inspection to Title 24 including OSHPD 3 requirements.

- 14 Certification to OSHPD 3 is not required for clinics others than surgical and dialysis clinics. However, conformance to OSHPD 3 requirements is required.
- 15 If the local building department will provide certification to OSHPD 3 requirements, then the entire project, including plan review and approval, building permit and construction inspection for the project is under the local jurisdiction.
- 16 Licensed free standing specialty clinics are defined in Health and Safety Code section 1200. Specialty clinics include surgical, chronic dialysis, and rehabilitation clinics and alternate birthing centers. All specialty clinics are required to conform to the requirements of OSHPD 3, but only surgical and chronic dialysis clinics require certification to OSHPD 3 requirements.
- 17 Certification to OSHPD 3 is required only for licensed surgical and dialysis specialty clinics, and only these specialty clinics may be reviewed and certified by OSHPD.
- 18 The owner or governing authority shall submit plans directly to the local building department, or may request OSHPD to perform the plan review and certification for surgery and dialysis specialty clinics.
- 19 OSHPD must consult with the local building department, and either accept or not accept the clinic project for plan review. One purpose for this consultation is to determine whether or not the local building department will issue a building permit and inspect construction for a project for which OSHPD did the plan review. If the local building department is unwilling or unable to do this, OSHPD cannot accept the review.
- 20 If, after consultation with the local building department, OSHPD accepts plan review, then OSHPD shall perform a complete plan review of Title 24 requirements, including OSHPD 3. The local building department is not involved in plan review.
- 21 The local building department shall issue the building permit and perform construction inspection to Title 24 including OSHPD 3.
- 22 If plans are submitted to the local building department, the local building department must notify the owner or governing authority if their review will include certification for OSHPD 3 conformance.
- 23 If the local building department will not provide certification to OSHPD 3 requirements, then plans shall be submitted to OSHPD for plan review and certification to OSHPD 3 requirements only. The local building department shall review the plans for compliance to Title 24 excluding OSHPD 3.
- 24 Concurrent with OSHPD's review to OSHPD 3 requirements, the local building department reviews the plans for compliance to Title 24, CCR, except OSHPD 3. The local building department shall also issue the building permit and perform construction inspection to Title 24 including OSHPD 3.
- 25 If the local building department will provide certification to OSHPD 3 requirements, then the entire project, including plan review and approval, building permit and construction inspection for the project is under the local jurisdiction.
- 26 The Office of the State Fire Marshal will inspect surgical clinics for compliance to NFPA 101.

- 27 Rehabilitation clinics and alternate birthing centers are not subject to OSHPD review or certification.
- 28 Rehabilitation clinics and alternate birthing centers are under the jurisdiction of the local building department only. Conformance to OSHPD 3 is required.
- 29 Primary care clinics, as defined in Health and Safety Code Section 1200 are required to conform to the requirements of OSHPD 3, but certification to OSHPD 3 is not required. Primary Care Clinics may include Community Clinics, Free Clinics, and Psychology Clinics.
- 30 Primary Care Clinics are under the jurisdiction of the local building department only. Conformance to OSHPD 3 is required.
- 31 Doctor offices and Medical Office Buildings are not subject to OSHPD 3 regulations or certification, unless they include clinics that are required to be licensed by DHS.
- 32 These buildings are reviewed by the local jurisdiction, and are not subject to OSHPD 3 regulations or OSHPD plan review.
- 33 If an Ambulatory Surgical Center (ASC) licensed for Medicare reimbursement is not licensed as a specialty clinic, conformance and certification to OSHPD 3 are not required.
- 34 These facilities are reviewed by the local jurisdiction, and are not subject to OSHPD 3 regulations or OSHPD plan review.
- 35 The Office of the State Fire Marshal will inspect Ambulatory Surgical Centers for compliance to NFPA 101.

DEFINITIONS

Ambulatory Surgery Center (ASC) – Performs surgical procedures funded by private funds and Medicare only, not Medi-Cal. Not licensed by DHS, L&C.

Certification:

Certification for Medicare and/or Medicaid – (Not related to OSHPD 3 requirements) A written document stating that health care facilities and providers are eligible for reimbursement under the Medicare and/or Medicaid (Medi-Cal) programs. Certification for Medicare is provided by CMS, based on recommendation by DHS. Certification for Medi-Cal is provided by DHS.

Certification to OSHPD 3 – A written document stating that design drawings and/or specifications are in compliance with applicable OSHPD 3 requirements. This certification is only for OSHPD 3 requirements, and is in addition to the normal plan review process provided by the local building official. Certification to OSHPD 3 requirements is completely separate from certification for Medicare and/or Medicaid. All licensed clinics must be designed and reviewed to the applicable OSHPD 3 provisions, but a letter of certification is only required for Surgical and Dialysis Clinics. (Please refer to “Roles of Agencies,” specifically “Local Building Department” and “OSHPD” for additional information)

Clinic – An outpatient health facility which provides direct medical, surgical, dental, optometric, or podiatric advice, services, or treatment to patients who remain less than 24 hours.

Dental Clinic – Provides comprehensive dental services, and is licensed as a Primary Care Clinic by DHS. A Dental Office provides comprehensive dental services to patients, but is not a licensed clinic.

Employee Clinic – Operated by an employer or jointly by two or more employers for their employees only, or by a group of employees, or jointly by employees and employers, without profit to the operators thereof or to any other person, for the prevention and treatment of accidental injuries to, and the care of the health of, the employees comprising the group. Employee clinics are specifically exempted from licensure requirements of H&S Code, Division 2, Chapter 1, Clinics. (H&S 1206(n)).

Hospital Outpatient Clinic – A service under a hospital license that provides non-emergency health care services to patients. The Clinic needs to comply with Title 24 requirements including OSHPD 3, NFPA 101 requirements for CMS and JCAHO standards under the Environment of Care. Services provided to inpatients may represent no more than 25% of the total outpatient services provided at the building. Services provided may include those enumerated in Health and Safety Code section 129730.

Optometric Clinic – Provides comprehensive eye services to patients. May be licensed as a Primary Care Clinic or Surgical Clinic. An Optometric Office provides optometric services, but is not a licensed clinic.

Primary Care Clinic – all the types of clinics specified in subdivision (a) of Health and Safety Code Section 1204, including community clinics and free clinics.

Community Clinic – a clinic operated by a tax-exempt nonprofit corporation that is supported and maintained in whole or in part by donations, bequests, gifts, grants, government funds or contributions, that may be in the form of money, goods, or services.

In a community clinic, any charges to the patient shall be based on the patient's ability to pay, utilizing a sliding fee scale. No corporation other than a nonprofit corporation, exempt from federal income taxation under paragraph (3) of subsection (c) of Section 501 of the Internal Revenue Code of 1954 as amended, or a statutory successor thereof, shall operate a community clinic; provided, that the licensee of any community clinic so licensed on the effective date of this section shall not be required to obtain tax-exempt status under either federal or state law in order to be eligible for, or as a condition of, renewal of its license. No natural person or persons shall operate a community clinic. (H&S 1204(a)(1))

Free Clinic – a clinic operated by a tax-exempt, nonprofit corporation supported in whole or in part by voluntary donations, bequests, gifts, grants, government funds or contributions, that may be in the form of money, goods, or services. In a free clinic there shall be no charges directly to the patient for services rendered or for drugs, medicines, appliances, or apparatuses furnished. No corporation other than a nonprofit corporation exempt from federal income taxation under paragraph (3) of subsection (c) of Section 501 of the Internal Revenue Code of 1954 as amended, or a statutory successor thereof, shall operate a free clinic; provided, that the licensee of any free clinic so licensed on the effective date of this section shall not be required to obtain tax-exempt status under either federal or state law in order to be eligible for, or as a condition of, renewal of its license. No natural person or persons shall operate a free clinic. (H&S 1204(a)(2))

Psychology Clinic – a clinic which provides psychological advice, services, or treatment to patients, under the direction of a clinical psychologist as defined in Section 1316.5, and is operated by a tax-exempt nonprofit corporation which is supported and maintained in whole or in part by donations, bequests, gifts, grants, government funds, or contributions which may be in the form of money, goods, or services. In a psychology clinic, any charges to the patient shall be based on the patient's ability to pay, utilizing a sliding fee scale. No corporation other than a nonprofit corporation, exempt from federal taxation under paragraph (3), subsection (c) of Section (501 of the Internal Revenue Code of 1954, as amended, or a statutory successor thereof, shall operate a psychology clinic. (H&S 1204.1) Psychology clinics are eligible for licensure pursuant to H&S Code, Division 2, Chapter 1, Clinics, but are not required to be licensed. (H&S 1206.1)

Specialty Clinic – Types of clinics specified in Health and Safety code subdivision (b) of Section 1204, including surgical clinics, chronic dialysis clinics, rehabilitation clinics and alternate birth centers. Specialty clinics must be licensed by Department of Health Services, **EXCEPT** for surgical clinics that are under a physician's medical license or corporation.

Alternative Birth Center (ABC's) – a clinic that provides comprehensive perinatal services and delivery care to pregnant women who remain less than 24 hours at the facility (H&S 1204(b)(4)).

Chronic Dialysis Clinic (ESRD, End-Stage Renal Dialysis) – a clinic that provides less than 24-hour care for the treatment of patients with end-stage renal disease, including renal dialysis services. (H&S 1204(b)(2))

Rehabilitation Clinic – A clinic that, in addition to providing medical services directly, also provides physical rehabilitation services for patients who remain less than 24 hours. Rehabilitation clinics shall provide at least two of the following rehabilitation services:

physical therapy, occupational therapy, social, speech pathology, and audiology services. A rehabilitation clinic does not include the offices of a private physician in individual or group practice. (H&S 1204(b)(3))

Surgical Clinic – Provides ambulatory surgical care for patients who remain less than 24 hours. A surgical clinic does not include any place or establishment owned or leased and operated as a clinic or office by one or more physicians or dentists in individual or group practice, regardless of the name used publicly to identify the place or establishment, provided, however, that physicians or dentists may, at their option, apply for licensure. (H&S 1204(b)(1))

Health and Safety Code Section 1200 (and following) – Pertains to licensed clinics not under a hospital license.

Health and Safety Code Section 1250 (and following) – Pertains to “health facilities,” which include general acute care hospitals, and outpatient clinics under a hospital license.

Hospital Building – Hospital building is any building used for a health facility of a type required to be licensed pursuant to Section 1250 of the Health and Safety Code. The facility needs to comply with NFPA 101 requirements for CMS and JCAHO standards under the Environment of Care.

“Hospital building” does not include any building in which outpatient clinical services of a health facility licensed pursuant to Section 1250 are provided that is separated from a building in which hospital services are provided. If any one or more outpatient clinical services in the building provide services to inpatients, the building shall not be included as a “hospital building” if those services provided to inpatients represent no more than 25 percent of the total outpatient visits provided at the building. Hospitals shall maintain on an ongoing basis, data on the patients receiving services in these buildings, including the number of patients seen, categorized by their inpatient or outpatient status. Hospitals shall submit this data annually to the State Department of Health Services.

License – A written authorization to operate a health facility and/or clinic issued by the Department of Health Service.

Local Code Official (AHJ) – city, county, or city and county building department, and fire authority responsible for enforcing the California Building Standards Code.

Medical Office Building (MOB) - A building that houses medical services that may contain the operation of licensed clinics. MOB’s are under the local authority having jurisdiction (AHJ’s). This term includes the offices of physicians in group practice who provide a preponderance of their services to members of a comprehensive group practice prepayment health service plan subject to Health and Safety Code Chapter 2.2 (commencing with Section 1340). (H&S 1206(i))

National Fire Protection Association (NFPA) STANDARD #101 – Life Safety Code, published by NFPA. Inspections for compliance to 1985 edition of NFPA 101 are performed by SFM.

OSHPD 3 – Regulations promulgated by OSHPD that apply to licensed clinics and hospital outpatient clinics. See Title 24, *Parts 1, 2, 3, 4 and 5 for requirements*.

Title 24 (T24) – California Code of Regulations, Title 24, also known as the California Building Standards Code. It includes the following parts:

- Part 1 – Building Standards Administrative Code
- Part 2 – California Building Code
- Part 3 – California Electrical Code
- Part 4 – California Mechanical Code
- Part 5 – California Plumbing Code
- Part 6 – California Energy Code
- Part 7 – California Elevator Safety Construction Code
- Part 8 – California Historic Building Code
- Part 9 – California Fire Code
- Part 10 – California Code for Building Conservation
- Part 12 – State Referenced Standards Code

Roles of Agencies Involved

California Medical Board – Responsible for licensing physicians to provide medical care.

Department of Health Services (DHS) – Verifies that operational requirements are met and issues a license to operate a licensed clinic. (See NOTE following State Fire Marshal below.)

Local Building Department – Responsible for plan review, building permit issuance, building construction inspection, and issuance of certificate of occupancy. A written certification of conformance with OSHPD 3 amendments is required for Surgical and Dialysis Clinics only. The local jurisdiction may choose not to provide this certification, in which, the plans must be submitted to OSHPD for plan review and certification.

Local fire department – Enforces all fire and life safety requirements of SFM in Title 24.

Office of Statewide Health Planning and Development (OSHPD) – In consultation with the Community Clinics Advisory Committee, OSHPD shall prescribe minimum construction standards of adequacy and safety for the physical plant of clinics as found in the California Building Standards Code. Additionally, OSHPD may perform a role in the plan review, building inspection and certification process as described in Title 24, Part 1, Article 21, “Plan Review, Building Inspection and Certification of Surgical Clinics, Chronic Dialysis Clinics and Outpatient Services Clinics.”

State Fire Marshal (SFM) – The State Fire Marshal is involved in the initial certification process of surgical clinics that seek to receive Medicare and MediCal funding. The SFM conducts the life safety portion of the survey as a result of a contract with the Department of Health Services. DHS conducts the nursing portion of the survey. The SFM enforces the 1985 edition of NFPA 101, Life Safety Code. Clinics must meet both State and Federal standards as a condition of participation in the Medicare program.

NOTE: The responsibility for performing the life safety portion of the survey of clinic facilities will transition from the State Fire Marshal to the Department of Health Services beginning July 1, 2002. This transition will be complete January 1, 2003, when DHS will assume full responsibility for the fire and life safety portion of the survey.

ACRONYMS

ABC	Alternative Birthing Center
AHJ	Authority Having Jurisdiction
ASC	Ambulatory Surgical Center
CALBO	California Building Officials
CBC	California Building Code (Title 24, Part 2)
CBSC	California Building Standards Code (Title 24, CCR)
CCR	California Code of Regulations
CMS	Center for Medicare/Medicaid Services (formerly known as HCFA)
DHS	Department of Health Services
ESRD	End Stage Renal Dialysis
FQHC	Federally Qualified Health Center
HBSB	Hospital Building Safety Board
HCFA	Healthcare Financing Association (see CMS)
H&S	Health and Safety Code
JCAHO	Joint Commission Accreditation Hospitals and Organizations
MD	Medical Doctor
MOB	Medical Office Building
NFPA	National Fire Protection Association
OSHPD	Office of Statewide Health Planning and Development
SFM	State Fire Marshal